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**HOUSE JOINT MEMORIAL 34**  
**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**  
**INTRODUCED BY**  
**Jim R. Trujillo**

**A JOINT MEMORIAL**

**REQUESTING THAT THE DEVELOPMENTAL DISABILITIES PLANNING COUNCIL APPOINT A TASK FORCE TO REVIEW THE PROCESSES BY WHICH GUARDIANS OF ADULTS ARE APPOINTED, TRAINED, SUPERVISED AND REVIEWED.**

**WHEREAS, the appointment of a guardian pursuant to the Uniform Probate Code for an adult with diminished capacity limits or eliminates the legal authority of the adult to make decisions and control the adult's own life; and**

**WHEREAS, appointment of plenary guardians, with authority to control all aspects of a ward's life, is still the typical outcome of guardianship petitions to the district courts despite the preference in New Mexico law for limited guardianships that would maximize the autonomy and authority of adults with limited capacity; and**

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1           WHEREAS, recent studies have demonstrated that there is  
2 very little effective oversight of guardianship arrangements  
3 once they have been established, including one study that  
4 showed that only twelve percent of private guardians have  
5 filed required annual reports; and

6           WHEREAS, there is no systematic process through which  
7 existing guardianship orders and arrangements are reviewed to  
8 determine whether such arrangements are still needed or  
9 appropriate, even though some existing orders are twenty years  
10 old or more and the ward's circumstances or capacity may have  
11 changed;

12           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
13 STATE OF NEW MEXICO that the developmental disabilities  
14 planning council be directed to convene a task force to review  
15 the processes by which guardians of adults under the Uniform  
16 Probate Code are appointed, trained supervised and reviewed;  
17 and

18           BE IT FURTHER RESOLVED that the task force be composed of  
19 representatives from the developmental disabilities planning  
20 council, the administrative office of the courts, the adult  
21 protective services division of the aging and long-term  
22 services department, the department of health, other  
23 appropriate state agencies, New Mexico district court judges,  
24 the New Mexico guardianship association, the protection and  
25 advocacy system, the senior citizens law office, individual

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1 and corporate guardians, elders, individuals with  
2 disabilities, advocates or other representatives of elders or  
3 adults with disabilities and other interested individuals; and

4 BE IT FURTHER RESOLVED that representatives of state  
5 agencies constitute less than fifty percent of the membership  
6 of the task force; and

7 BE IT FURTHER RESOLVED that the task force consider  
8 potential statutory or regulatory changes, training  
9 requirements, identification and dissemination of best  
10 practices and other recommendations that would improve New  
11 Mexico's system for qualification, appointment and oversight  
12 of guardians of adults with limited capacity; and

13 BE IT FURTHER RESOLVED that the task force present its  
14 recommendations no later than October 31, 2007 to the interim  
15 legislative health and human services committee; and

16 BE IT FURTHER RESOLVED that copies of this memorial be  
17 transmitted to the developmental disabilities planning  
18 council.

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